

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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U.S. DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

2015 OCT -8 P 2:21

Robert M. Lane,

Plaintiff,

v.

Dr. Vikki L. Lane, Bruce Glesby, Marisa
Beuoy, David K. Pontes, John T. Rudnick,
Carol Schick, Griffith & Thornburgh, LLP,
Kitch, Drutchas, Wagner, Valitutti &
Sherbrook PC,

Defendant.

Civil Action No. 9:15-cv-1740-RMG

ORDER

This matter is before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge (Dkt. No. 57) recommending that this Court grant Defendants’ motions to dismiss (Dkt. Nos. 12, 14, 25) and dismiss the case without prejudice. For the reasons set forth below, the Court grants the motions.

In this pro se action, Plaintiff sued his ex-wife and her attorneys for fraud, conspiracy to commit fraud, breach of contract, perjury, malicious and fraudulent prosecution, the use of legal filings for an improper purpose, and failure to supervise and assure competence of attorneys and employees. (Dkt. No. 1). On June 4, 2015, Defendant Kitch, Drutchas, Wagener, Valitutti & Sherbrook PC filed a motion to dismiss. (Dkt. No. 12). On the same day, Defendants Vikki Lane, Glesby Beuoy, Shick, and Griffith & Thornburgh, LLP filed a motion to dismiss. (Dkt. No. 14). The Court entered a Roseboro order on June 5, 2015 (Dkt. No. 20), and John Rudnick—the last remaining Defendant—filed a motion to dismiss on June 8, 2015. (Dkt. No. 25).

Plaintiff filed a response to the motions to dismiss on July 24, 2015. (Dkt. No. 47). The Magistrate Judge recommended granting each of the motions to dismiss on various grounds, including lack of personal jurisdiction, lack of specific jurisdiction, and improper venue. (Dkt. No. 57). Plaintiff did not file any objections to the R & R.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. Mathews v. Weber, 423 U.S. 261, 270-71 (1976). This Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made. Additionally, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). This Court may also “receive further evidence or recommit the matter to the magistrate judge with instructions.” Id.

Where the plaintiff fails to file any specific objections, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation,” see Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation omitted), and this Court is not required to give any explanation for adopting the recommendation of the Magistrate Judge, Camby v. Davis, 718 F.2d 198 (4th Cir. 1983).

The Court has reviewed the R & R, the full record in this matter, and the relevant legal authorities. The Court finds that the Magistrate Judge ably and properly summarized the factual and legal issues and appropriately recommended that the motions to dismiss should be granted. Therefore, the Court hereby ADOPTS the R & R as the order of this Court.

AND IT IS SO ORDERED.



Richard Mark Gergel

United States District Court Judge

October 8, 2015
Charleston, South Carolina